S.B.CRIMINAL MISC. BAIL APPLICATION NO.4899/2007
(Mahesh Sharma vs. State of Rajasthan)

DATE OF ORDER : October 01, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Ramesh Purohit, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by the learned counsel for the petitioner that similarly situated co-accused Laxmi Narayan Chaturvedi has been granted bail by this Court vide order dt. 24.9.2007.

From perusal of the order dt. 24.9.2007, it appears that the allegation against the present petitioner and co-accused is that they issued cheque, which on being presented to the bank, returned unpaid and dishonoured. Dishonour of cheque is punishable under section 138 of the Negotiable Instruments Act, 1881 on a complaint by the payee or the holder in due course of the cheque.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Mahesh Sharma s/o Nand Ram Sharma in FIR No.255/2006, Police Station, Pratapgarh, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-